

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER BELLORE,

Plaintiff,

MEMORANDUM & ORDER

20-CV-2306 (EK) (RML)

-against-

FRANK BISIGNANO, COMMISSIONER OF
SOCIAL SECURITY¹

Defendant.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Levy's Report and Recommendation (R&R) dated April 30, 2025. ECF No. 32. Judge Levy recommends that (1) the Court grant the plaintiff's motion for attorney's fees in the total amount of \$34,479; and (2) these fees be paid by the defendant out of plaintiff's past-due benefits pursuant to 42 U.S.C. § 406(b). Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews Judge Levy's recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition; accord *State*

¹ Frank Bisignano became the Commissioner of Social Security on May 7, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Bisignano is substituted for Andrew Saul, former Commissioner of Social Security, as the defendant in this suit. See 42 U.S.C. § 405(g) ("Any action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office.").

Farm Mut. Auto. Ins. Co. v. Grafman, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no error and therefore adopt the R&R in its entirety. Thus, the Court (1) grants plaintiff's motion for attorney's fees totaling \$34,479; and (2) orders that these fees be paid by the defendant out of plaintiff's past-due benefits pursuant to 42 U.S.C. § 406(b).

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: July 30, 2025
Brooklyn, New York